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1	KAMALA D. HARRIS									
2	Attorney General of California GLORIA A. BARRIOS									
3	Supervising Deputy Attorney General MATTHEW A. KING									
4	Deputy Attorney General State Bar No. 265691									
	300 So. Spring Street, Suite 1702									
5	Los Angeles, CA 90013 Telephone: (213) 897-7446									
6	Facsimile: (213) 897-2804 E-mail: matthew.king@doj.ca.gov									
7	Attorneys for Complainant									
8	DELCOPE THE									
.9	BEFORE THE BOARD OF REGISTERED NURSING									
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA									
11	400									
	In the Matter of the Accusation Against: Case No. 2013-322									
12	LISA RACHEL DEGRASSE, A C C U S A T I O N									
13	a.k.a. LISA RACHEL MENDOZA 11949 Cyclops Street									
14	Norwalk, CA 90650									
15	Registered Nurse License No. 402939									
16	Respondent.									
17	Complainant alleges:									
18	PARTIES									
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her									
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	official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), an									
21	agency within the Department of Consumer Affairs.									
22	2. On or about August 31, 1986, the Board issued Registered Nurse License Number									
23	402939 to Lisa Rachel Degrasse, also known as Lisa Rachel Mendoza ("Respondent"). The									
24	Registered Nurse License was in full force and effect at all times relevant to the charges brought									
25	herein and will expire on October 31, 2013, unless it is renewed.									
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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Code Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 5. Code Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- 6. Code Section 2750 provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 7. Code Section 2761 states, in relevant part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, ...
- (d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

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8. Code Section 2762 states, in relevant part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (a) Obtain or possess in violation of law...except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022."
- 9. Code Section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after its expiration.

REGULATORY PROVISION

10. California Code of Regulations, title 16, section 1444 states, in relevant part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(c) Theft, dishonesty, fraud, or deceit."

COST RECOVERY

11. Code Section 125.3 provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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DRUG CLASSIFICATIONS

12. Cocaine is classified as a Schedule I controlled substance under Health and Safety Code section 11054, subdivision (f)(1). It is a Schedule II controlled substance under Health and Safety Code section 11055, subdivision (b)(6), and is defined as a dangerous drug by Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

- 13. Respondent is subject to disciplinary action under Code section 490 and section 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, for conviction of a crime that is substantially related to the qualifications, functions and duties of a registered nurse.
- a. On or about January 24, 2012, Respondent pled guilty to and was convicted of one misdemeanor count of petty theft (Pen. Code, § 484, subd. (a)) in the criminal proceedings entitled *The People of the State of California v. Lisa Rachel Degrasse, a.k.a. Lisa Rachel Mendoza*. (Super. Ct. Riverside County, 2011, No. SMW1101039.) The Court placed Respondent on 36 months of summary probation and ordered her to make restitution to the victim and to pay fines totaling \$160.00.
- b. The circumstances of the conviction are that on or about January 21, 2011, Respondent stole a purse and cellular phone from a women playing a slot machine at Pechanga Casino ("Pechanga"). The stolen items had an estimated value of \$85.00. Pechanga security and Riverside County Sheriff's Deputies recovered the purse. In the purse, they found three glass vials with white residue. Respondent admitted she stole the purse and identified the "white stuff" in the vials as "probably cocaine." She claimed that the vials belonged to her boyfriend and she permitted the Deputies to search her car. Three glass pipes containing cocaine residue were discovered in the trunk.

SECOND CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance)

14. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), and section 2762, subdivision (a), on the grounds of unprofessional conduct, in that on or about January 21, 2011, Respondent possessed cocaine, a controlled substance and dangerous drug. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 13, subparagraphs (a) and (b), inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Violating Nursing Practice Act)

15. Respondent is subject to disciplinary action under section 2761, subdivision (d), for violating or attempting to violate a provision of the Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 13 and 14, inclusive, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

16.	Resp	ondent is	s subject to d	isciplina	ry action u	ınder Cod	e section	2761, sı	abdivisi	on (a)
for unpro	fessiona	al conduc	ct. Complain	ant refer	s to and b	y this refe	rence in	corporate	s the	
allegation	is set fo	rth above	e in paragrap	hs 13 thr	ough 15, i	inclusive,	as thoug	h set fort	h fully.	
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged and that, following the hearing, the Board issue a decision:

- Revoking or suspending Registered Nurse License Number 402939 issued to Lisa
 Rachel Degrasse, also known as Lisa Rachel Mendoza;
- 2. Ordering Lisa Rachel Degrasse, also known as Lisa Rachel Mendoza, to pay the Board the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions Code section 125.3; and
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: October 25, 2012

LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing Department of Consumer Affairs

State of California
Complainant

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